

REMARKS

This paper is responsive to the Office Action mailed January 25, 2007. Claims 1-20 were pending in the above-identified application before submission of this paper. Claims 1, 2, 3, 6-13 and 15 have been amended. Claims 4, 14 and 16-20 have been canceled. Claims 1, 2, 3, 6-13 and 15 are currently pending. Support for all amended claims can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4, 6, 9-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,343,324 issued to *Hubis*, in view of "Multilevel Security in the UNIX Tradition" by *McIlroy* and "Proving Multilevel Security of a System Design" by *Feiertag*. Without conceding the merits of the rejection, Applicants respectfully submit that the amended claims overcome this rejection.

Claim 1, as amended, recites in part "computer succession information for associating said operating computer with a successor computer that is connected to said disk device." In one feature, "in the event that... a failure of said operating computer is identified, the computer identification information is rewritten according to the computer succession information such that said successor computer is enabled to access a logical volume included in said disk device or a logical area in a logical volume."

In contrast, *Hubis* teaches controlling access to a hardware device in a computer system having a plurality of computers and at least one hardware device connected to the plurality of computers. A locally unique identifier is associated with each of the plurality of computers. A data structure is defined in a memory. Based on the locally unique identifier, the data structure identifies which computers may be granted access to the device. The data structure is queried to determine if a requesting computer should be granted access to the hardware device. (Column 3, line 66 - column 4, line 8).

McIlroy teaches multilevel security of a file system using a ceiling. The file system ceilings manage remote file systems and exportable data. A label is provided to each file, and is either an element of a mathematical lattice or one of two yes/no symbols. A "yes" label identifies files that may always be read or written. A "no" label identifies files that cannot be read or written without a privilege. (Section 2, paragraphs 1 and 2).

Feiertag teaches a set of multi-security levels of a file system. Each element of the set of multi-security levels is partially ordered in relation to the other elements. (Page 58, right hand column).

Neither *Hubis*, *McIlroy*, *Feiertag* nor any other cited reference, alone or in combination, teach all of the features recited in independent claim 1. Specifically, neither *Hubis*, *McIlroy* or *Feiertag* teach "in the event that a failure of said operating computer is identified, the computer identification information is rewritten according to the computer succession information such that said successor computer is enabled to access a logical volume included in said disk device or a logical area in a logical volume." For at least this reason, claim 1 is allowable over the cited art, as are claims 3 and 6, which depend from claim 1.

Independent claims 2, 9, 11 and 15, as amended, recite features that are similar to the features recited in amended claim 1. As discussed above with reference to claim 1, the cited art does not teach these features. Thus, claims 2, 9, 11 and 15 are also allowable over the cited art for at least the same reasons. In addition claim 10 is dependent on claim 9 and derives patentability therefrom. Furthermore, claim 4 is canceled. Thus, the rejection of claims 1-4, 6, 9-11 and 15 is overcome.

Claims 5, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hubis*, *McIlroy* and *Feiertag*, in view of "Operating System Support for Virtual Machines" by *King*. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Hubis*, *McIlroy* and *Feiertag*, in view of "Load Distribution via Static Scheduling and Client Redirection for Replicated Web Servers" by *Tang*. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Hubis*, *McIlroy*, *Feiertag* and *King*, and in view of *Tang*. Claim 14 is rejected

under 35 U.S.C. 103(a) as being unpatentable over *Hubis*, *McIlroy*, and *Feiertag*, and in view of "The Design and Implementation of an Intrusion Tolerant System" by *Reynolds*. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hubis*, *McIlroy*, and *Feiertag*, in view of "Restrict Anonymous: Enumeration and the Null User" by *Mullen*. Without conceding the merits of the rejection, Applicants respectfully submit that the rejection is overcome.

Claims 7 depends from claim 1, and claim 8 depends from claim 7, which is dependent on claim 1. Claim 5 is dependent on claim 2, claim 12 is dependent on claim 9, and claim 13 is dependent on claim 11. Claims 14 and 16-20 have been canceled.

The rejection of claims 5, 7, 8, 12 and 13 is premised on the assertion that *Hubis*, *McIlroy* and *Feiertag* discloses the features recited in claims 1, 2, 9 and 11, and one or both of *King* and *Tang*, disclose the remaining features of claim 5, 7, 8, 12 and 13. As discussed above, however, *Hubis*, *McIlroy* and *Feiertag* do not disclose or suggest all features recited in amended claims 1, 2, 9 and 11. As best understood, *King* and *Tang* do not provide any teaching or suggestion that would remedy this deficiency. Therefore, the rejection is based on a flawed premise and cannot be maintained. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 5, 7, 8, 12-14 and 16-20.

Applicants respectfully request withdrawal of the rejection of claims 1-20.

CONCLUSION


In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Date

4/25/07


John J. Farrell
Reg. No. 57,291

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
206-467-9600 Telephone
415-576-0300 Facsimile

JJF:clm

60990559 v1